

## PATENT

DECLARATION AND POWER OF ATTORNEY  
IN PATENT APPLICATIONAttorney Docket No.: BA-00590

As a below named inventor, I hereby declare:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

METHOD OF FORMING INTERLAYER CONNECTIONS IN INTEGRATED  
OPTICAL CIRCUITS, AND DEVICES FORMED USING SAME

the specification of which

is attached hereto.

was filed on \_\_\_\_\_ as U.S. Application Serial No. (or  
PCT International Application No.) \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b), of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT international application designating at least one country other than the United States listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

## Prior Foreign Application(s):

| <u>Number</u> | <u>Country</u> | <u>Date Filed</u> | <u>Priority Claimed</u>                                  |
|---------------|----------------|-------------------|--|
|               |                | Day/Mo/Year       | <input type="checkbox"/> Yes <input type="checkbox"/> No |
|               |                | Day/Mo/Year       | <input type="checkbox"/> Yes <input type="checkbox"/> No |

I hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below.

| <u>Application No.</u> | <u>Filing Date</u> |
|------------------------|--------------------|
|                        |                    |

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365(c) of any PCT international application designating the United States listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| <u>Application Number</u> | <u>Filing Date</u> | <u>Status: Patented/<br/>Pending/Abandoned</u> |
|---------------------------|--------------------|--|
|                           |                    |  |
|                           |                    |  |
|                           |                    |  |

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: all attorneys associated with Customer Number 000996.

Correspondence Address: Direct all communications about the application to:

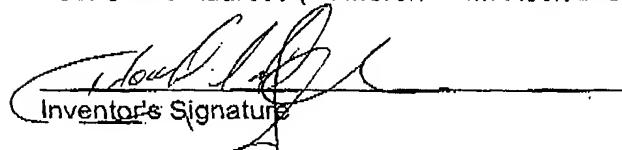
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I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Thomas J. McIntyre \_\_\_\_\_ USA \_\_\_\_\_  
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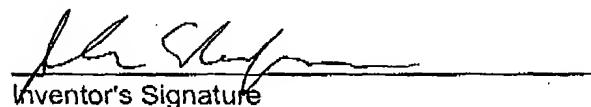
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 \_\_\_\_\_ 7/17/03  
Inventor's Signature Date

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Inventor's Signature Date